

BOONE COUNTY

PERSONNEL POLICY

HANDBOOK

Effective July 1, 2010

Accepted and Adopted by

BOONE COUNTY COMMISSIONERS

June 7, 2010

BOONE COUNTY COUNCIL

BOONE COUNTY

BOARD OF COMMISSIONERS

COUNTY COUNCIL

201 Courthouse Square
Lebanon, IN 46052

July 1, 2010

To: All Boone County Employees

The County Commissioners and the County Council are pleased to jointly sponsor this revised and expanded Boone County Employee Personnel Handbook. The handbook was developed to describe the views the Commissioners, Council Members, Elected Officials, and we believe, the people of Boone County, share as expectations from our County Employees.

The handbook outlines policies, programs, and benefits available to eligible employees. As an employee of the County, you shall familiarize yourself with the contents of the employee handbook as soon as possible, for it will clarify many questions you may have had about employment with this County. The policies detailed in this handbook supersede all County personnel policies previously in effect.

We believe that each employee contributes directly to the County's growth and success, and we hope you will take pride in being a

member of our team. We also hope your experience here will be challenging, enjoyable and rewarding.

Sincerely,

Boone County Commissioners
Charles H. Eaton, President
Marc Applegate,
Jeff Wolfe

Boone County Council
Steve Jacob, President
Gene Thompson
Kerry Kries
Walter 'Butch' Smith
Marcia Wilhoite
Debby Shubert
David Rodgers

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INTRODUCTION

The Boone County Board of Commissioners (legislative body), with the support of the Boone County Council (fiscal body), believes that local government should be foremost among employers in compliance with existing legislation and regulations concerning employment practices. The Commissioners and the Council recognize that a necessary instrument to both facilitate and prescribe compliance is an operating personnel management policy.

The contents of this manual are not intended to create a contract between Boone County and any or all of its employees. Rather, this handbook is provided only for the purpose of providing information about the County's personnel policies. The legislative and fiscal bodies reserve the rights to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time with or without notice. Nothing herein is intended to create any type of contract or guarantee of continued employment. Employment with Boone County is **AT WILL** and may be discontinued by the respective hiring authority with or without reason, and with or without advance notice.

Unless specific provision is made otherwise, the procedures contained within this policy apply to all Boone County employees, excluding the elected officials. Elected officials are held to an even higher standard under State statute.

The Commissioners and the Council fully expect this personnel policy and system prescribed herein to be actively and consistently administered by their respective hiring authorities, and if not will be notified.

APPLICATION AND EXCEPTIONS

1-1 APPLICATION

The contents of this handbook apply to all County employees except those listed below in Section 1-2

1-2 EXCEPTIONS

Due to statutory requirements and other circumstances which may occur from time to time, it may be necessary to grant exceptions to certain departments for some policies covered herein:

Any exception to the Boone County Policy Manual shall be reviewed and approved by the County Commissioners prior to such exception's implementation. The County Commissioners reserve the right to approve or deny requests for exceptions. Each determination will be handled on a case by case basis.

The Boone County Sheriff's Department is not covered by the provisions of this handbook.

If the exception is later determined to be invalid by a court of law or in violation of federal, state or local statutes, said exception becomes null and void.

(While this form is a part of the Personnel Policy Handbook, the original copy will be completed and kept in the employee's personal file in the Auditor's office by the department head.)

EMPLOYEE ACKNOWLEDGMENT FORM

The employee handbook describes important information about the County, and I understand that I should consult my department head regarding any questions not answered in the handbook. If my elected official, department head or their designee is unavailable or unable to answer my questions, I should first ask the county payroll clerk (County Auditor), and as a last resort ask the County Commissioners.

Since the information, policies and benefits described herein are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the County Commissioners have the authority to adopt any revisions to the policies in this handbook.

I have entered into my employment relationship with this County voluntarily and acknowledge that there is no specific length of employment. Accordingly, either I or the County can terminate the relationship AT WILL, with or without cause, at any time.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a promise of continued employment. I have received the County Handbook, and I understand that it is my responsibility to read and comply with the policies contained in the handbook and any revisions made to it.

I further acknowledge that I have received, read and understand the Personnel Computer Policy, Family Medical Leave Policy and the Anti-Harassment Policy.

Employee's Signature

Date

Employee's Name Printed or Typed

County Representative

EMPLOYMENT

2-1 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement to all individuals, employment decisions of Boone County will be based on qualifications and abilities. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, sex, national origin, age, disability, genetic disposition, or any other characteristic protected by law. Only bonafide occupational and objective measures of fitness shall be considered in employment decisions.

Boone County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship to the County. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, or their respective hiring authority, or the Board of County Commissioners. Employees can raise concerns and make reports without fear of reprisal.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2-2 AT WILL EMPLOYMENT

Employment with Boone County is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, Boone County may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

The policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County and any of its employees. The provisions of the handbook have been developed at the discretion of the Board of Commissioners and The County Council and, except for its policy of employment-at-will, may be amended or canceled at any time, at the Board of Commissioners' and County Council's sole discretion.

2-3 PERSONS WITH DISABILITIES

It is the policy of Boone County to employ, advance and otherwise treat qualified individuals without regard to their disability in all employment practices. Boone County will attempt to accommodate disabled employees and job applicants to enable them to perform the essential functions of their jobs in a safe and efficient manner.

Boone County will afford reasonable accommodation to qualified applicants and employees with a known disability, provided that the accommodation does not cause undue hardship to Boone County, or, irrespective of the accommodation, that such individuals do not pose a direct threat to the health and safety of themselves or others.

Applicants may inform the Auditor's Payroll Clerk and employees may inform their Department Head or Elected Official of the disability and may suggest, on a confidential basis, how Boone County may reasonably accommodate them.

2-4 IMMIGRATION LAW COMPLIANCE

Boone County is committed to employing only United States citizens and legal aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Commissioner's Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

2-5 EMPLOYMENT APPLICATIONS

All applicants, including part time and seasonal applicants, are required to complete a Boone County Employment Application. This standardized job application form shall be maintained by the County Auditor. Applications for County employment shall request only that information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the County's Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that all applicants will be interviewed. Equal consideration will be given all applicants based on the qualifications listed for the position.

The original copy of the employment application will be kept in the employee's personnel file in the Auditor's office.

2-6 HIRING OF RELATIVES

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, promotions, demotions, disciplinary actions and discharge.

In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

It is the County's policy that relatives of persons currently employed by the respective hiring authority may be hired only if they will not be working directly for or supervising a relative.

If already employed, they cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred.

In other cases where a conflict or the potential for conflict arises as determined by the respective hiring authority, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is defined to include spouses, parents, grandparents, children, brothers, sisters, brothers and sisters-in-law, aunts and uncles, fathers and mothers-in-law, stepparents, stepbrothers, stepsisters and stepchildren.

The prohibitions of this policy on the hiring of relatives do not apply to temporary employees or to the following Elected Officials who are authorized by Indiana statute to appoint one (1) first or chief deputy; the County Auditor; the County Treasurer; and the County Recorder. (I.C. 36-2-16-4)

While this policy section does not directly apply to elected officials, they are urged to give it full consideration.

2-7 EMPLOYMENT MEDICAL EXAMINATIONS

HIGHWAY DEPARTMENT All Highway Department employees who are required to have a commercial driver's license must have a medical examination every 2 years, as required by law.

Physicals will be performed at the County's expense if given by a physician of the County's choice. If the employee prefers a physician of his or her own choice, the employee shall be responsible for the cost of the physical. Drug and alcohol testing will be a part of the physical. See Sections 8-2 and 8-10 for further information on drug testing.

EMPLOYMENT STATUS

3-1 EMPLOYMENT CATEGORIES

It is the intent of the County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. The County Commissioners may change an employee's exempt or non-exempt classification only upon written notification.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least thirty five (35) hours per week to be eligible for Boone County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than thirty five (35) hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), they are not eligible for Boone County's benefit package.

INTRODUCTORY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the County is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change to another status. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are not eligible for all of Boone County's other benefit programs.

3-2 ACCESS TO PERSONNEL FILES

Boone County maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the County, and access to the information they contain is confidential. Generally, only those officials and representatives of the County, as determined by the County Commissioners, who have a legitimate reason to review information in a file, will be allowed to do so.

Employees who wish to review their own file should contact their supervisor. With reasonable advance notice, an employee may review material in his or her file but only in the County's offices, and in the presence of the individual appointed by the employer to maintain the files. Access shall be consistent with state law.

Files of employees who participate in a drug and alcohol testing program are considered strictly confidential. No one can review any personnel file without written permission from the employee.

3-3 EMPLOYMENT REFERENCE AND BACKGROUND CHECKS

To ensure that individuals who join Boone County are well qualified and have a strong potential to be productive and successful, it is the policy of Boone County to require a background check of applicants for regular full time and regular part time positions who may be extended an offer of employment. Applicants will be required to furnish a completed background check as directed by the County.

Elected Officials and Department Heads are encouraged to verify the references supplied by an applicant who may be extended an offer of employment.

Boone County will respond to all reference check inquiries from other employers. Responses to such inquiries will be limited to inclusive dates of employment and positions held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

3-4 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the County of any changes in personnel data. Personal mailing address, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentation, falsifications or material omissions in any of this information or data may result in the employer's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3-5 RESIDENCY

Recruitment of personnel shall not be limited only to those applicants who reside within Boone County. Upon hiring, the employee may be required to establish residence within the County. All other qualifications being equal, county residents will receive first consideration.

3-6 ORIENTATION AND TRAINING

New County employees will be oriented as to the nature and function of the department in which they are employed. Supervisors will generally be responsible for on-the-job training (OJT) as may be necessary to teach knowledge of methods, techniques, equipment and duties. However, non-supervisory employees may be assigned as on-the-job trainers. Such training will be conducted during normal working hours whenever practical.

All employees must be advised of safety and health matters as necessary and as required by Federal and State law. The County also encourages additional job-related training where appropriate and necessary.

3-7 INTRODUCTORY PERIOD

All employees, regardless of status, will serve a 90 day introductory period with benefits. During the introductory the employee's progress will be monitored and the employee advised regarding work proficiencies and deficiencies. An employee may be transferred or terminated during this period.

3-8 OUTSIDE EMPLOYMENT

County employees should refrain from engaging in any other employment that (1) could be inconsistent with the interest of the County, (2) could by reason of association have a derogatory affect on the County, or (3) could require devoting so much time and effort to the job that work efficiency would be adversely affected. Any outside employment must have prior approval of the employee's supervisor. If such employment is found to be substantially in conflict with the employee's position, the employee will be asked to resign from one place of employment.

County employees who have employment with an individual or organization that directly transacts business for which payment is received from the County must make full and specific disclosure of this employment to the Board of Commissioners, the State Board of Accounts, and the Clerk of the Circuit Court in accordance with IN Code 35-44-1-3(d). The Board, upon finding that such dual employment creates a possible conflict of interest, may request the employee to resign from one place of employment.

Employees asked to resign from one place of employment shall have two weeks from the date of the request to do so. Failure to comply within this time period will result in dismissal.

3-9 TRANSFER AND REASSIGNMENT

County employees may be transferred to a new department or reassigned to a new position either at their own request or as the result of a decision by the employee's department head or respective hiring authority. Reasons for transfer or reassignment may include, but shall not be necessarily limited to, fluctuations in department work loads, the more efficient utilization of personnel, personality conflicts, reasons of health and personal situations.

Transfer or reassignment may be temporary or long term basis. The discretion for granting all transfer requests remains with the heads of the affected departments.

EMPLOYEE BENEFITS

4-1 EMPLOYEE BENEFITS

Eligible employees in the County are provided a wide range of benefits. A number of the programs, such as Social Security, worker's compensation, state disability and unemployment insurance cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classifications. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook. The following benefit programs are available to eligible employees:

Approved Mileage Reimbursement	Medical Insurance
Bereavement Time	Military Leave
Family Leave	Pension Plan
Holidays	Sick Leave Benefits
Jury Duty	Time Allowances
Life Insurance	Uniform Maintenance
Major Medical Insurance	Vacation Benefits

Some benefit programs require contributions from the employee, but most are fully paid by the County.

4-2 PUBLIC EMPLOYEES RETIREMENT PLAN (PERF)

Eligible County employees are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The County contributes a percentage of employees' gross wages for deposit in an annuity savings account.

Employee contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, and age at retirement.

Questions concerning the program should be directed to the County Auditor's office and/or the Public Employees' Retirement Fund of Indiana.

4-3 EMPLOYEE DEFERRED COMPENSATION / 457b PLAN

This Plan is designed to assist employees in their retirement years. All employees are eligible to participate in the State of Indiana 457B plan.

The County offers the plan to allow all employees the opportunity to help save additional dollars towards their retirement. The Auditor's office will provide the specifics of the plan to employees.

4-4 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular Full Time employees are eligible to earn and use vacation time as described in this policy.

Vacation benefits are credited at the beginning of the calendar year. The amount vacation credited will be based on the employee's years of service for the upcoming year. Vacation benefits are considered evenly accrued throughout the year.

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

Length of service	Vacation days each year
one (1) year of service	10 days
five (5) years of service	15 days
fifteen (15) years of service	20 days

Paid vacation time can be used in increments of one half day or more. An employee may take any portion or all of the allowed vacation up to a maximum of two (2) weeks at any one time during the calendar year.

An employee should take any portion or all of the allowed vacation during the calendar year subject to the approval of the Department Head or Office Holder. However, employees may carry over any unused vacation up to but not beyond the end of the next calendar year.

Vacation requests will be approved with consideration given to departmental seniority and the impact on department efficiency. A vacation request must be submitted to the department head at least 30 days before intended departure.

If an employee voluntarily or involuntarily terminates employment during the year and has taken more of their vacation time than they have accrued, the amount taken above the accrual will be deducted, to the extent possible, from their final paycheck. This provision will not apply to employees who are subject to Layoff.

If an employee has taken less than the vacation time they have accrued, payment will be made for the balance of accrued but unused vacation.

An employee who terminates employment prior to the beginning of the next calendar year is not eligible for payment of vacation pay.

4-5 HOLIDAYS

Legal holidays for the County shall be those established by the Board of County Commissioners. A schedule of holidays for each current year shall be distributed to each county office by the end of the preceding year.

The County will grant paid holiday time off to all regular full-time employees. Part time employees are not eligible for holiday pay. Holiday pay will be based on the employee's straight time pay rate (as the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, regular full-time employees must work the last scheduled day immediately preceding the holiday and the first scheduled day immediately following. If an employee is absent without authorization on the day preceding and/or following a holiday he or she will not receive compensation for the holiday.

If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would have otherwise applied.

If an eligible employee works on a recognized holiday, he or she will receive twice his or her normal straight-time rate for the hours worked on the holiday.

The County observes the following holidays:

New Years Day	Election Day
M. L. King's Birthday	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day After Thanksgiving
Memorial Day	1 Day Christmas Eve
Independence Day	Christmas Day
Labor Day	1 Day New Year's Eve

The Board of Commissioners reserves the right to change dates and the holidays observed as convenience dictates or as the law requires.

4-6 WORKERS ' COMPENSATION INSURANCE

The County provides a comprehensive workers' compensation insurance program at no cost to the employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work related injury or illness shall inform his or her supervisor immediately. No matter how minor an on the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off duty recreational, social or athletic activity sponsored by the employer.

An employee who willfully disobeys safety rules or laws or who self inflicts an injury or is injured as a result of being impaired by alcohol or drugs shall have benefits denied and will be terminated.

Employees may supplement the amount of benefits received from Workers Compensation with compensatory time, sick leave benefits or vacation days. The combination of any such disability payments, compensatory time, annual leave days and vacation days cannot exceed the employee's normal weekly earnings.

4-7 SICK LEAVE BENEFITS

The County provides paid sick leave benefits to all eligible regular full-time employees for periods of temporary absence due to illness or injuries. Employees shall earn up to six (6) days, with pay, authorized sick leave during the calendar year, with no extra compensation for unused sick days.

Sick leave is to be used for the following reasons only:

- (1) injury or illness of the employee and
- (2) to avoid jeopardizing the health of other employees
- (3) care for family members who reside in the employee's household

Employees can accrue sick leave up to 30 days in order to provide income assurance in the event of lengthy absence due to illness or injury.

Employees can request use of paid sick leave after an employee has been granted regular full-time employment. Paid sick leave can be used in minimum increments of one-half day.

Except in emergency, employees will notify their supervisor of their absence due to sickness at least a half hour before the beginning of their shift or regular work hour. The employee's supervisor shall be kept informed of the extent of the illness and the anticipated day of return to work. Employee will be required, at the discretion of the supervisor, to provide a physician's certification of illness and ability to resume work if the sick leave is for three (3) consecutive days or more.

Supervisors, including elected officials and individuals who are charged with record keeping responsibility, shall keep documented records of absences and whether they are reported or not. Unreported absences due to alleged sickness will result in disciplinary action which could result in termination. Any other abuses of sick leave may also result in disciplinary action.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Employees will not be paid for unused sick leave benefits while they are employed or at the termination of employment.

4-8 PERSONAL LEAVE

Each full-time employee is allowed three (3) personal days with pay, to be taken at any time during the year, in a minimum of half day increments. The immediate supervisor must be notified at the earliest convenience so work schedules can be adjusted. Any unused personal days will not carry over to the next calendar year.

4-9 FAMILY MEDICAL LEAVE ACT

Boone County will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on employee rights and responsibilities.

Boone County provides covered employees with up to 12 weeks of unpaid, job protected leave for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform their job.

Eligible employees with a spouse, son, daughter or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12 week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative child care, addressing certain financial and legal requirements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

During FMLA the County will maintain the employee's health coverage under the group plan. Upon return from FMLA leave, employee will be restored to their original or equivalent position with equivalent pay, benefits and other terms of employment. If the employee is not receiving a check, the employee must pay the employee's portion of all benefits to the Boone County Auditor in advance on or before the first day of each month.

Eligible employees may request family leave only after having completed 365 calendar days of service and worked for 1,250 hours over the previous 12 months. Employees must provide 30 days notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the County's normal call in procedure.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

An employee does not need to use leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations.

Employees will be required to first use unused sick leave benefits, personal leave and compensatory time off before taking unpaid leave.

Employees must provide sufficient information for to the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform their job functions; the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider. Employees must provide sufficient information to the County to determine if the circumstances support the need for military family leave.

Employees must also inform the County if the requested leave is for a reason for which FMLA was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Employees may request up to a maximum of twelve weeks of family leave within any twelve-month period. The County utilizes a rolling 12 month period beginning with first day of leave and concluding 12 months from that date. Any combination of family leave and medical leave may not exceed this maximum limit.

The County will inform employees requesting leave whether they are eligible under FMLA. If they are, the County will must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the County will provide a reason for the ineligibility.

The County will inform employees if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA protected, the County will notify the employee.

The County will require certification for the employee's serious health condition, a family member's serious health condition, a qualifying exigency for military family leave, or for a serious injury or illness of a covered service member for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay.

Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional or leave administrator. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be a given an opportunity to resolve any deficiencies in the medical certification.

In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor.

The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the County with at least two weeks advance notice of the date the employee intends to return to work. An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. This requirement will be included in the County's response to the FMLA request.

Employees who do not return to work following the use of all paid and unpaid leave as described above shall be terminated as an active employee.

4-10 MILITARY LEAVE

Regular full-time and regular part-time employees are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniform services for a period not to exceed fifteen calendar days within one calendar year. Uniformed services means the Armed Forces of the United States, a ready reserve component of the Armed Forces, Indiana National Guard Units, the commissioned core of the public health service, and any other service designated by the President of the United States in time of war or emergency.

An employee on leave under this provision shall suffer no loss of seniority or benefits during the fifteen day leave period.

An employee on military leave for a period in excess of fifteen calendar days in one calendar year shall receive all benefits provided under the Uniform Services and Reemployment Act of 1994 (38 U.S.C. Chapter 43).

Employees absent from their respective positions because of service in the uniformed services are, if honorably discharged, entitled to reinstatement, provided that the period of absence does not exceed five (5) years. If an absence exceeds five (5) years, reinstatement shall be available only under the exceptions set forth in 38 U.S.C. §4312(c). An employee is entitled to reinstatement only if the employee had, prior to the time of commencing uniformed service, given notice to the County of the anticipated service, and has at the conclusion of the military service reported for work, or made application for reinstatement as follows:

- (1) if uniformed service is for thirty (30) days or less the employee must report for work by the next regularly scheduled workday after allowing eight (8) hours for travel;
- (2) if uniformed service is for more than thirty (30) days but less than 181 days, the employee must submit an application for reinstatement not later than 14 days after completion of uniformed service;
- (3) if uniformed service is for more than 180 days, the employee must submit an application for reinstatement within the ninety (90) day period following completion of uniformed service.

Exceptions to these reinstatement time periods will be made when, because of a disability or hospitalization caused by uniformed service, or because of events beyond the control of the employee, the employee was unable to report or make application within the prescribed period of time.

Reinstatement shall be to the position last held by the employee, unless such position no longer exists, or the requirements of such position has so substantially changed that reasonable training will not qualify the employee for such position. In such circumstances, reinstatement shall be to a position similar in pay and duties.

Reinstatement shall not be available, if during the period of military service, the employee would have been laid off from such position had the employee remained in public employment, and recall has not yet occurred.

An employee reinstated pursuant to these provisions shall be entitled to placement on the salary schedule at the level the employee would have attained had the employee not been absent for uniformed service. Reinstated employees shall be entitled to benefit levels that escalate with length of service as if there had been no absence for uniformed service.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, Boone County will provide health insurance benefits for the full term of the military leave of absence, providing the employee, at each pay period, tenders his/her co-pay portion of premiums to the Auditor. If the employee fails to make the payments in a timely manner, benefit coverage will terminate. (Refer to Benefits Continuation, page 21)

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

4-11 MILITARY FAMILY LEAVE (STATE)

County employees who are the spouse, parent, grandparent, or sibling of an individual who is called to full time active duty in the armed forces or the National Guard are eligible for up to ten (10) days of unpaid leave on an annual basis. The County utilizes a rolling 12 month period beginning with first day of leave and concluding 12 months from that date. To be eligible for this leave the employee must have been employed by the County for at least one year and have worked 1500 hours during this period.

Employees should notify their Elected Official or Department Head, in writing, at least thirty (30) days in advance or as soon as orders are received. A copy of the orders must be given to the Elected Official or Department Head. The leave may occur within thirty (30) days prior to active duty, during the period of active duty or within thirty (30) days after the conclusion of active duty.

Employees will be required to first use personal leave and compensatory time off before taking unpaid leave

During the leave the employee will retain all benefits. When the leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If the employee is not receiving a check, the employee must pay the employee's portion of all benefits to the Boone County Auditor in advance on or before the first day of each month.

4-12 BEREAVEMENT TIME

If any employee wishes to take time off due to the death of an immediate family member, the employee shall notify his or her supervisor immediately.

Regular full-time employees shall be eligible for up to five (5) days of bereavement time with pay in the event of the death of an employee's current spouse, child, current step children, grandchildren, parents and parents of the employee's spouse.

Up to three (3) days of paid bereavement leave will be provided to regular full-time employees upon the death of grand-parents, brothers, sisters, brothers and sister-in-law, aunts and uncles, stepparents, stepbrother and stepsister.

Any employee may, with supervisor's approval, use other types of available paid leave for additional time off as necessary.

All bereavement time for out of town deaths not reported in the local Boone County newspapers must be documented with a newspaper clipping from the out-of-town paper or the memorial folder from the funeral home.

4-13 JURY DUTY

Any full-time employee shall receive leave without loss of pay to serve on a jury in any State, Federal or Local Court.

Payment received for jury duty will be deducted from the regular County salary or 40 hour hourly rate per week so that the total payment is no greater than the regular County salary.

4-14 WITNESS DUTY

The County encourages employees to appear in court for witness duty when subpoenaed to do so. If the employee has been subpoenaed as a witness by the County, he or she will receive paid time off for the entire period of witness duty.

Employees will be granted unpaid time off to appear in court as a witness when requested by a party other than the employer. Employees are free to use any available paid leave benefit, vacation or personal leave to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

4-15 BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees, including any authorized individual covered by existing health insurance, and their qualified beneficiaries the opportunity to continue health insurance coverage for a period of 18 months under the County's health plan when a 'qualifying event' would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment or death of an employee; a reduction in an employee's hours or a leave of absence; and employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates plus an administration fee.

The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

4-16 BUSINESS TRAVEL EXPENSES

Boone County will reimburse employees for expenses incurred while traveling on official county business. All travel decisions, unless governed by the Home Rule provisions, shall be in accordance with the adopted Travel Rules and Regulations, see Appendix A attached

TIMEKEEPING AND PAYROLL

5-1 TIMEKEEPING

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and State laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All non-exempt employees must complete a time sheet and accurately record the time they begin and end work each day. They also must record the hours of any departure or absence from work for personal reasons.

It is the employee's responsibility to sign his or her time sheet to certify the accuracy of all time recorded. The Department Head or Elected Official will review and then sign the time record before submitting it for payroll processing.

5-2 WORK SCHEDULES

Work schedules for employees vary throughout the County. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The standard work week begins at 12:01 am Monday and ends at 12:00 midnight on the following Sunday.

5-3 HOURS OF WORK

County offices and departments shall observe the hours of work designated and established by the Board of Commissioners. Work hours must be understood by the affected employees.

Generally speaking, County offices will be open and staffed during all hours between 8:00 a.m. and 4:00 p.m., daily Monday through Friday in order to serve the public. Other departments are affected by the season, weather, employee shift schedules or are otherwise open beyond normal business hours. Employees will be informed of departmental policy on hours of work upon employment and as changes are necessary.

5-4 OVERTIME

Overtime is defined as any time worked beyond the established and prescribed usual work period. Any and all overtime will be worked only at supervisory request or with supervisory approval.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Whenever possible, advance notification of these mandatory assignments will be provided.

Overtime compensation is paid to all nonexempt employees in accordance with Federal and State Wage and Hour restrictions. As required by law, overtime pay is based on actual hours worked.

Time off on holidays, sick leave, vacation leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

Vendors having signed, written contracts with county offices are expected to do their own work on their own time, and in no circumstances are they to cause overtime for county employees and/or county officials. County employees are prohibited from being employees of the vendor during county office hours, unless the county employee is on authorized leave of absence or using his or her own vacation time.

All time worked at or less than 40 hours on a one week schedule will be compensated at the employee's regular rate.

All time worked beyond 40 hours on a one week schedule will be compensated either by pay at one and one half times the regular rate or by granting one and one half hours of compensatory time off during the regular working hours for every hour worked.

The scheduling and approval of compensatory time off shall be at the supervisor's discretion. Employee preference will be given consideration if the time off will not adversely affect department work activity.

All times, regular time, part-time, overtime, and/or compensatory time, shall be documented on each employee's State of Indiana attendance form GPF-99A.

5-5 COMPENSATORY TIME

In accordance with 29 U.S.C. & 207 (o), compensatory time off shall be awarded in lieu of cash overtime payments as follows:

Compensatory time off is earned at a rate of one (1) hour for every hour of regular work. When overtime is involved, compensatory time off is earned at the rate of one and one half (1 ½) hours for each hour of overtime.

Holidays, sick days, vacation time, leaves of absence, compensatory time off, paid workers' compensation leave, and time spent in stand-by or on-call status, shall not constitute "hours worked" for determination of accrued compensatory time off.

The County Commissioners approve schedules for each department which identify "Non-Exempt" positions that are eligible for the accrual and use of compensatory time.

Accrued and used compensatory time shall be reported by each employee on State of Indiana attendance form GPF-99A, or the equivalent other prescribed State approved attendance form. The GPF-99A, or its equivalent, shall then be attached to each department's weekly payroll register.

It is recommended that compensatory time should be used by the end of the current year and shall be approved by the department supervisor.

If the department utilizes compensatory time off, employees will be required to sign a Compensatory Time Off Agreement upon initial employment in the department or prior to the pay period in which the compensatory time accrues.

Compensatory time for employees in non-public safety positions will not accrue more than seventy (70) hours of compensatory time for employees scheduled to 35 hours per week and eighty (80) hours for employees scheduled to work 40 hours per week. Any overtime worked after an employee accrues the maximum amount of time will be paid at overtime rates.

5-6 PAYDAYS

All employees are paid biweekly. Each paycheck or stub will include earnings for work performed through the end of the previous two weeks.

In the event a regularly scheduled payday falls on a designated holiday, employees will be paid on the work day preceding the holiday.

5-7 PAY DEDUCTIONS

Deduction may be made from wages for the employee's share of social security and federal withholding taxes, as well as other federal, state, or local taxes. Other deductions may be made where Boone County is required by court order to pay moneys from wages to a third party under garnishment, wage attachment or bankruptcy proceedings.

Other taxes, such as property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the County's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a Boone County employee. The code further instructs the Auditor's Office to make periodic deductions from money due the employee and direct payment to the Treasurer's Office.

5-8 PAY ADVANCES

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation unless the County has an established direct deposit program.

5-9 ADMINISTRATION PAY CORRECTIONS

The County takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and the employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the department supervisor or payroll clerk so that a correction can be made as quickly as possible.

Once underpayments or overpayments are identified, they will be corrected in the next regular paycheck.

WORK CONDITIONS AND HOURS

6-1 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the County and employees from all levels of the County. The employer will take all reasonable steps to assure a safe environment and compliance with federal, state and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees shall at all times wear safety clothing and utilize safety equipment as may be provided by the County for certain job categories. Employees are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the County are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported to the appropriate supervisor, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

6-2 USE OF TOBACCO

In keeping with the County's intent to provide a safe and healthful work environment, the use of tobacco in any form is prohibited throughout the County's facilities and grounds. Smoking is not allowed in or on any County property. This policy applies equally to all public officials, employees and visitors.

6-3 REST AND MEAL PERIODS

Each Department is responsible for establishing their own policy on rest and meal breaks. Each full time employee is allowed time off for a meal period each day. Each office shall be adequately staffed during all regular office hours.

6-4 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees are expected to notify the supervisor if any equipment, machinery, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

The use of tools, equipment, etc., for personal or other non-county purposes without prior approval by a department supervisor or the County Commissioners is strictly prohibited and can result in disciplinary action, including discharge.

6-5 EMERGENCY CLOSINGS

Per state statute, the County Commissioners are responsible for courthouse closings.

Emergency conditions, such as severe weather, fire, flood or earthquake, can disrupt County operations and interfere with work schedules, as well as endanger employees' well-being. These extreme circumstances may require the closing of the work facility.

When operations are required to close, authorized time off from scheduled work will be paid. In cases where a closing is not authorized, employees who fail to report for work will not be paid for the time off. However, employees may request available paid leave time, such as unused vacation.

Employees who are authorized to work on a day when operations are officially closed will receive regular pay.

6-6 COURTHOUSE BUILDING KEY CONTROL

The County Commissioners shall designate one individual to serve as Key Control Coordinator.

The Key Control Coordinator shall maintain a record of keys issued to elected office holders and their first deputies, and other individuals as approved by the County Commissioners.

The responsible hiring authority shall, upon the exit interview, be responsible for making sure all keys have been returned to the Key Control Coordinator.

6-7 PROGRESSIVE DISCIPLINE

The County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

The following four steps are recommended to all Department Heads and Elected Officials:

- Step 1-- verbal warning
- Step 2 -- written warning
- Step 3-- suspension without pay
- Step 4-- termination of employment

The County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps. The Board of Commissioners should be notified of an involuntary termination prior to any discussion with the employee. Department Heads and Elected Officials have the option to place the employee on suspension without pay if the matter cannot be brought to the Commissioners attention immediately.

A copy of all written disciplinary actions will be forwarded to the Auditor's office and filed in the employee's personnel file. Department Heads and Elected Officials are encouraged to maintain their own records of disciplinary action.

6-8 EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the county expects employees to follow rules of conduct that will protect the interests and safety of all employees and the county.

Employment with this organization is an AT WILL mutual consent of the county and the employee, and either party may terminate that relationship at any time, with or without cause and with or without advance notice. It is not possible to list all forms of behavior that are considered unacceptable in the workplace.

The following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or termination of employment.

- Theft or inappropriate removal or possession of property
- Falsification of employment applications
- Falsification of timekeeping records
- Reporting to work or working under the influence of alcohol or illegal drugs

Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer-owned vehicles or equipment
Fighting or threatening violence in the workplace
Boisterous or disruptive activity in the workplace
Negligence or improper conduct leading to damage of county-owned property or property owned by other parties
Insubordination or other disrespectful conduct
Violation of health and safety rules
Use of Tobacco in prohibited areas
Sexual or other unlawful harassment
Possession of dangerous or unauthorized materials, such as explosives or firearms or other weapons, in the workplace
Excessive absenteeism or any absence without notice
Unauthorized absence from work station during the workday
Unauthorized use of telephones, mail system or other County owned equipment
Unauthorized disclosure of business 'secrets' or confidential information
Failure to follow lawful instructions or guidelines
Any form of discourtesy to the public
Unsatisfactory performance or conduct
Excessive tardiness
Inappropriate use or operation of a vehicle or a piece of heavy equipment that would cause unnecessary damage or need of repair in excess of \$250.00
Personal use of county computer system

Convictions for misdemeanors and/or felonies may be grounds for discipline and/or discharge dependent upon the circumstances of employment; decisions with this regard will be made by the respective hiring authority.

6-9 DRUG AND ALCOHOL USE

It is Boone County's desire to provide a drug free, healthful and safe workplace. To promote this goal, employees are required to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

It is the policy of this County that no alcohol or illegal drugs are allowed in any County owned facility. Random drug testing may be conducted in accordance with current law.

The Sheriff's Department and the Highway Department employees are required to participate in an alcohol and drug testing program. Any employee not passing a drug and alcohol test will be immediately terminated.

The County is only required by law to give information to an employee where he or she can get assistance for his or her dependency. The County is not required to pay for that assistance.

6-10 DRUG TESTING

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to submit to drug and alcohol testing.

The County will take every effort to protect the confidentiality of all drug test results. Drug testing may be conducted in any of the following situations:

PRE-EMPLOYMENT – As a pre-qualification to assuming a position and in connection with the pre-employment medical examination.

REASONABLE CAUSE – Testing of this kind occurs when workplace behavior indicates that an employee is under the influence of drugs. Such behavior must be witnessed by at least one supervisor.

POST ACCIDENT – Any current employee involved in a serious incident or accident while on duty, whether on or off the employer's premises, may be asked to provide a body substance sample.

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described may result in disciplinary action, up to and including discharge.

Any driver who refuses to be tested under the provisions of the DOT regulations will not be permitted to operate a commercial motor vehicle. Any driver who tests positive for drugs will be immediately terminated. Where test results are positive, the driver will be advised by the Medical Review Officer as to what drug was discovered.

An individual who is involuntarily relieved of duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

The supervisor, in the event of termination of an employee for a positive test of drugs or alcohol, shall provide to the employee information where he or she can obtain counseling.

6-11 ANTI-HARASSMENT

It is the policy of Boone County to provide a productive work environment and to prohibit all verbal or physical conduct by any employee, visitor or vendor that improperly harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile work environment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

While all forms of improper harassment are prohibited, special attention should be paid to the meaning of and prohibition of sexual harassment. This zero tolerance policy prohibits not only conduct and language that constitute unlawful sexual harassment as defined by the law and the courts, but all inappropriate behavior having sexual content.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that has the purpose or effect of creating a hostile, intimidating or offensive work environment is prohibited and will not be tolerated.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment should contact his/her Department Head or Elected Official immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to contact the Auditor's office or a member of the Board of Commissioners.

Any Department Head or Elected Official who becomes aware of possible sexual or other unlawful harassment should promptly advise the Auditor's office, the Board of Commissioners or the County Attorney.

All complaints of violations of this policy shall be promptly referred to a Complaint Resolution Team appointed by the Board of Commissioners for investigation, findings and recommendation of sanctions, whenever warranted. Employees involved in any investigation are expected to cooperate fully in the investigation.

All complaints under this policy will be handled as discretely as possible. However, due to the fact that employers are required by law to thoroughly investigate all complaints of harassment, anonymity and secrecy cannot be guaranteed to any party or witness in the course of an investigation. The law requires, and Boone County does reserve the right to investigate complaints as appropriate and to inform individuals who have a legitimate right to know.

The County will not in any way retaliate against the individual who makes a report of sexual harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this harassment policy and should be reported immediately.

Any person found to have retaliated against another individual for the good faith reporting of any form of harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

Employees engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment, and counseling may be required in addition to or in lieu of other disciplinary action. Vendors will be subject to contractual remedies up to and including forfeiture.

The safety and security of Boone County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threats, physical attack or property damage. These terms are defined as follows:

- "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent act on County-owned or leased property may be removed from the premises.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy.

Off-site threats include threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of employment, and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their Department Head or Elected Official of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

All complaints of violations of this policy shall be promptly referred to a Complaint Resolution Team appointed by the Board of Commissioners for investigation, findings and recommendation of sanctions, whenever warranted. Employees involved in any investigation are expected to cooperate fully in the investigation

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their Department Head or Elected Official with a copy of such order.

If an emergency exists, contact the police department at 911, and notify your Department Head or Elected Official.

If not an emergency, employees should inform their elected official/department head. If the elected official or department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the Department Head or Elected Official, the employee may bring concerns to a County Commissioner

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

6-13 WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is an employee of Boone County who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. The Board of Commissioners is charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee should submit those concerns in writing to the Compliance Officer appointed by the Board of Commissioners or any member of the Board of Commissioners.

The employee should exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action up to and including termination of employment or removal from the Board.

Whistleblower protections are provided in two important areas -- confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

Boone County will not retaliate against a whistleblower. This includes protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm.

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the Compliance Officer immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Compliance Officer who will be responsible for investigating and coordinating corrective action.

The Compliance Officer will be appointed by the Board of Commissioners and the name posted with the County's legal postings.

6-14 CONFIDENTIAL RECORDS:

All records of Boone County and its agencies and departments are public records with the exception of the following:

1. Records declared confidential by state statute.
2. Records required to be kept confidential by Federal Law.
3. Records containing trade secrets.
4. Records declared confidential under rules of the Supreme Court of Indiana.
5. Patient medical records and patient health information, unless written consent is given by the patient or the patient's authorized representative.
6. Investigatory records of a law enforcement agency or officer of the Courts.
7. Work product of an attorney representing Boone County, its governing bodies, agencies, departments or officers in their official capacity.
8. Records which are identified by governing bodies, agencies or departments of Boone County as confidential under the Indiana Access to Public Records statutes.
9. Computer programs, computer codes, computer filing systems, and other software owned by Boone County, its agencies or departments, or entrusted to any of them by their owners.
10. (a) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
(b) information relating to the status of any formal charges against the employee; and
(c) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. The limitations upon disclosure of personnel file information do not apply to disclosure of personnel information generally on all employees or for groups of employees so long as information on a particular employee has not been requested.

No Boone County or Boone County related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials, except in the ordinary course of performing duties on behalf of Boone County may be removed from the courthouse without permission from the Department Head or Elected Official.

Employees who are unsure about the confidential nature of any particular record or information should ask their Department Head or Elected Official for clarification, who may refer the applicability of any of the foregoing exceptions to the attorney representing Boone County. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

6-15 PERSONNEL COMPUTER POLICY

Boone County encourages the use of electronic mail (“e-mail”) as well as its Internet access as additional tools to help accomplish Boone County’s legitimate business objectives. E-mail can greatly enhance the quality and efficiency of communication among management, employees, current and prospective customers, and others involved in our business.

However, e-mail and Internet misuse can pose potentially serious consequences for both Boone County and the user. Thus, to ensure that all employees act in a professional and responsible manner, Boone County has established the following guidelines for using e-mail and the Internet.

Employees are strictly prohibited from using Boone County’s e-mail system or Internet access for any of the following:

- 1) Viewing, transmitting, retrieving or storing material, which may in any way be considered abusive, obscene or offensive.
- 2) Transmitting any messages containing derogatory, harassing or inflammatory remarks about an individual or group’s race, color, religion, national origin, sex, age, disability, or other characteristic or attribute not related to their job performance.
- 3) Any use of Boone County’s computer or Internet systems that violates Boone County’s policies against harassment or discrimination is strictly prohibited.

- 4) Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
- 5) Sending, forwarding, or posting any chain letters, jokes or advertisements not directly related to some business purpose or other activity.
- 6) Using the Boone County's e-mail system or Internet access for non-occasional or personal gain, including the solicitation of, or engagement in, anything not related to Boone County business.
- 7) Transmitting, retrieving or storing any information that may violate applicable copyright laws, specifically including installing or downloading any software without the prior authorization from Boone County Board of Commissioners or its designee.
- 8) Using Boone County's e-mail system or Internet access for any other purpose which is illegal, may damage Boone County's reputation or is otherwise contrary to Boone County's best interest.

As a general rule, it is expected that all employees will use common sense and sound judgment when utilizing Boone County's e-mail system and Internet access. Employees are expected to respect the rights and sensitivities of recipients and potential recipients or viewers, and ensure that all e-mail messages reflect the professional image that Boone County wishes to portray.

Employees should have no expectation of privacy in the use of County electronic equipment. The use of County electronic equipment by an employee constitutes consent by the employee to have such use monitored, and is a waiver by the employee of all privacy expectations in such use.

Boone County specifically reserves the right to access and monitor all messages and files stored on the Boone County's computer system, including the restoration of files which have been previously "deleted," as well as monitor all web-sites visited by an employee. Employees should not assume any electronic communication is "private" and, accordingly, should transmit information considered by them to be highly confidential in other ways.

All information composed, transmitted, received or stored via Boone County's computer system should be and is considered property of Boone County. Such information is subject to disclosure to management, law enforcement and other third parties, with or without notice to the employee.

Any employee who abuses the privilege of using Boone County's computer system, e-mail system or Internet access is subject to discipline, up to and including termination. In addition, employees are advised that they may also be held personally liable for any violation of this policy or misuse of Boone County's computer system.

Employees may be authorized to use passwords to access certain electronic media, such as the computer network, voice mail, or Internet. Department Heads and Elected Officials shall be allowed access to employees' passwords.

Employees should never give their passwords or codes to other employees or any other person except to their Department Head, Elected Official or law enforcement personnel upon proper authority.

Computer viruses pose a serious threat to the integrity of the County's computer software and electronic files. Strict precautions must be observed, including:

- Only software obtained from or approved by the County's IT Administrator may be used.
- Each new piece of software shall be tested for virus contamination at installation and periodically thereafter.
- All signs or suspicions of virus contamination shall be immediately reported to the Department Head or Elected Official to isolate and control any contamination.

No employee-owned or non-County purchased software is to be installed on County-owned equipment, whether intended for legitimate business matters or for personal purposes or amusement. At no time should a new County software program be loaded on the County's network, file server, or on an individual computer without the prior approval of the IT Administrator. Any new programs that are loaded and detected without such approval may be deleted without prior notice.

Violation of software licensing agreements is a serious matter which places the violator and the County at risk of copyright infringement claims. It is County policy to pay all proper software licensing fees and to prohibit the use of copies of "bootlegged" software. Unauthorized software will be deleted upon discovery by the employee's Department Head or Elected Official or the County's IT Administrator and reported to the Board of Commissioners.

6-16 USE OF PHONE AND MAIL

Employees should practice discretion in using County telephones when making local personal calls and will be required to reimburse the County for any charges resulting from their personal use of the telephone. The use of County-paid postage equipment for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the appropriate greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

When dealing with the public, in person, by telephone or through correspondence, employees should do so in a courteous and professional manner. Excessive complaints against an employee may result in disciplinary action up to and including termination.

6-17 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, including termination of employment.

6.18 VISITORS IN THE WORKPLACE

To provide for the safety and security of employees and the facilities of the County, only authorized visitors are allowed in County work areas. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. Employees are responsible for the conduct and safety of their visitors.

The County recognizes that under certain circumstances it may be necessary for a child to be in the working area. These instances should be kept to a minimum to prevent any disruption.

If an unauthorized individual is observed in a County work area, employees should immediately notify their Elected Official, Department Head, or, if necessary, direct the individual to the office of the Board of Commissioners.

6-19 PERSONAL APPEARANCE

The County requires that all employees, including elected officials, dress and grooming presentation be appropriate to the work situation and not jeopardize the health and safety of themselves or their fellow workers. All employees are representatives of Boone County and appearance should be such that it does not reflect poorly on the employee of the County.

All employees receiving uniforms or a uniform allowance are expected to wear such uniforms while on duty. If safety equipment is issued, employees are required to utilize this equipment.

If any employee reports to work improperly dressed or groomed or in any other way violates this policy, the supervisor shall instruct the employee to take time to remedy the situation. The employee will not be compensated during any such time away from work. Violations of this policy may be cause for dismissal.

6-20 SECURITY INSPECTIONS

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other weapons or improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers and other storage devices may be provided for the convenience of employees but remains the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected at any time, either with or without prior notice by any agent or representative authorized by the County Commissioners, representative hiring authority, or a department head.

6-21 SOLICITATIONS

In an effort to assure a productive and harmonious work environment, persons employed or not employed, by this county may not solicit or distribute literature in the workplace at any time for any purpose, unless approved by the County Commissioners.

6-22 CONFLICTS OF INTEREST

It is the policy of this County to prohibit its employees from engaging in any activity, practice, or act which conflicts with the interest of the County or the public it serves.

Legitimate political contributions to a County employee's campaign for political office are not prohibited by this section. In addition, expressions of appreciation which are reasonable in value and raise no impropriety or appearance of impropriety may be allowed if so determined upon consultation with supervisory personnel or with the department head.

County employees are prohibited from using their County position to assist in political campaigns and from using the time during working hours to engage in political activity. No employee shall directly or indirectly engage in conduct which is disruptive or damaging to the County. Employees having questions concerning conflicts of interest should seek the guidance of supervisory personnel.

6-23 PUBLIC RELATIONS

When dealing with the public personally, during telephone conversations or in official correspondence, employees will do so in a courteous and professional manner. Complaints from the public will be investigated and may result in disciplinary action. All suggestions will be taken under advisement.

When a member of the public approaches an employee with a question or a complaint, the employee will give the matter immediate attention. If member of the public becomes abusive or argumentative and the employee cannot properly handle the situation, the person should be referred to the employee's supervisor.

Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone. Whenever possible you should get the caller's name, address, phone number and message and give that information to the appropriate individual.

The Courthouse shall be considered a place of business, thus the decorating of Courthouse windows should be confined to holiday greetings. Other forms of window distractions can only be made with the approval of the Board of Commissioners.

6-24 PERSONAL BUSINESS

Personal business is not to be attended to on County time. The County's facilities and equipment should not be used for personal telephone calls or mail except in an emergency. The use of County time or facilities to conduct personal business may result in disciplinary action.

Emergency calls shall be as brief as possible, and, if long distance, should be placed through the operator and charged collect or to the caller's home phone number. Incoming personal calls for employees should be discouraged. Employees should not use County addresses in receiving personal mail. Employees should not use County stationery for personal communication as these might be considered official communication.

6-25 PERSONAL USE OF COUNTY VEHICLES

Employees assigned or using County-owned or County -leased vehicles (except for Merit Board employees) will be subject to the following regulations.

Vehicles assignments will be reviewed on an annual basis by the Board of Commissioners and the appropriate Department Head or Elected Official as part of the budget process. All vehicle assignments will be reported to the County Auditor for Income purposes.

County employees driving a County owned vehicle must report their personal mileage on a monthly basis to the Auditor's office and will comply with all IRS regulations. At the time of vehicle assignment, employees will be given a reporting package by the Auditor. This information is to be by the employee to report their personal mileage of the County vehicle. Employees will be required to sign an Acknowledgement Form when they receive their packet.

Vehicles titled to, or insured by or through, or leased by the County, and privately owned vehicles operated on the County's behalf, will be subject to the regulations of the Board of Commissioners. Employees operating vehicles on the County's behalf are also subject to the regulations of the County. "Operated on the County's behalf" means operated by County employees in the course of their County employment.

Employees who use privately owned vehicles will usually be reimbursed on a mileage basis at an authorized rate set by the County Council or other form of stipend, provided adequate proof on insurance is filed by the employee with the Board of Commissioners.

Any employee driving a County owned or leased vehicle or any other vehicle for County business will be subject to having his or her license and driving record checked for accidents, violations, suspension, revocation, assignment points, and any other job related information deemed necessary by the County.

Each driver must have a current, valid Indiana's driver's license that covers the type of vehicles to be operated. A copy of the employee's license must be on file with the Auditor's office.

All applicants applying for a position in which driving is a duty must have a valid Indiana driver's license that covers the type of vehicle to be operated. A copy of the license must be presented to the Department Head or Elected Official the time of hire.

The use of County owned or leased vehicles for personal reasons outside the County is prohibited without prior approval of the Department Head or Elected Official.

6-26 CELL PHONE USAGE

Boone County provides cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with County officials, vendors, other employees, associates, and others with whom they may conduct business. Cell phone assignments will be reviewed on an annual basis by the Board of Commissioners and the appropriate Appointed or Elected Official as part of the budget process.

Cell phone use is intended for business-related calls only and personal calls should be held to a minimum. Employees are expected to make every effort to not exceed the current contracted allowed minutes for their phone. Cell phone invoices may be routinely audited.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone.

As a representative of Boone County, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

SEPARATION FROM EMPLOYMENT

7-1 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION – voluntary employment termination initiated by an employee. The employee will be required to complete a Resignation Form, which can be obtained from the Auditor's office. Although advance notice is not required, Boone County requests at least two (2) weeks written notice of resignation from non-exempt employees and four (4) weeks notice from exempt employees. (Refer to Vacation Benefits, Page 11). If an employee does not provide advance notice as requested above, the employee will be considered ineligible for rehire.

DISCHARGE – involuntary employment termination initiated by the County and subject to review by the Board of Commissioners.

RETIREMENT – voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the County. (Refer to Vacation Benefits, Page 12).

REDUCTION IN FORCE/LAYOFF - Involuntary employment termination initiated on behalf of the County by the Appointed or Elected Official due to lack of work, lack of funds or projected lack of funds, job elimination, or reorganization.

When ever a reduction is necessary, the County will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each department.

Employees will be laid off with consideration of length of continuous service and the operational needs of the County. Employees may displace less senior employees in other departments provided they possess the minimum qualifications and licenses required for the position. Length of service is one factor in the layoff/displacement decision.

The operational needs of the County may require the retention of less senior employees over a more senior employee. Attendance and punctuality may also be a factor in determining who shall be retained and who shall be laid off.

A recall list will be established for each classification affected by the layoff listing each laid off employee in order of layoff.

A laid off employee will be eligible for recall for a period of one (1) year following the date of layoff. An employee who is laid off retains reinstatement rights in the agency from which he or she was laid off. Reinstatement rights continue for one (1) year from the date of layoff.

During this one (1) year period, the County will not hire or promote anyone into that classification until all persons on a layoff list for that classification are reinstated or decline the position when it is offered.

The employee will be responsible for keeping a current address on file with the Auditor's Office. Failure to do so may result in the inability to notify the employee of his or her eligibility for reinstatement.

Each recalled employee will be allowed fourteen (14) calendar days from the date of receipt of the certified letter to return to work. The County will consider extenuating circumstances submitted in writing by the laid off employee.

Any employee who declines reinstatement to the same classification from which the lay off occurred will no longer be eligible for recall and will be considered terminated from employment.

Department Heads and Elected Officials will schedule exit interviews for their employees with the Auditor's office at the time of employment termination.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with Boone County is based on mutual consent, both the employee and the County have the right to terminate employment at will, with or without cause, at any time. All accrued, vested benefits that are due and payable at termination will be paid.

Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

7-2 PAYROLL NOTIFICATION

Department Heads and Elected Officials must notify the Auditor's Payroll Clerk that an employee is terminating employment as soon as notice is given by the employee. This includes part time and seasonal employees. This will facilitate the proper payment of time worked in compliance with state law.

Employees who have been issued a Boone County credit card are to be removed from the card at the time of their resignation or dismissal from the County.

7-3 PAY UPON TERMINATION

Employees who terminate their employment or who are subject to a reduction in force from the County will be paid for all time worked unused annual leave days based on the schedule in Section 4.12, and compensatory time, less appropriate deductions on the next regular pay day according applicable federal and state laws.

7-4 RETURN OF PROPERTY

Employees are responsible for all property, keys, materials or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. Where permitted by applicable laws, the County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. On or before their last day of work employees must return all Boone County property in good working condition.

The County may also take all action deemed appropriate to recover or protect County property.